IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Tr.P(C).No. 64 of 2006()

OP.107/2006 of FAMILY COURT, NEDUMANGAD

.....

: PETITIONER

RAHUMATH, D/O. KHADER, AGED 22 YEARS,
MUKRIKADAVATHU, THADIKADAVU, CHAPPARA PADAVU,
THALIPPARAMBU, KANNUR.

BY ADV. SRI.DILEEP P.PILLAI

RESPONDENT:

SIYAD, S/O. ABDUL JABBAR, AGED 24 YEARS,
PARANKIMAM VILA THADATHARIKATHU VEEDU,
DAIVAPUR P.O., PERINGAMALA, THENNOOR, NEDUMANGAD.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Orders on IA Nos.1001 & 2660/06 in Tr.P(C) 64/06

Dismissed.

13/9/2007 SD/- M.N.KRISHNAN,JUDGE

M.N.Krishnan, J.

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Tr.P(C).No.64 of 2006

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Dated this the 13th day of September, 2007.

JUDGMENT

This transfer petition is filed by the wife to transfer O.P.No.107 of 2006 pending before the Family Court, Nedumangad to the Family Court, Kannur where M.C.No.81 of 2006 filed by the wife is pending. O.P.No.107 of 2006 is a petition for restoration of conjugal rights filed by the husband. It is averred that the wife has filed a complaint against the husband under Section 498A of I.P.C. It is also averred that she is a pardhanishan lady and she is having two children and the distance from her place to Nedumangad is 530 kms. and her financial capacity does not permit her to travel with her two children and therefore, she prays for a transfer.

2. Though the respondent is served, there is no appearance. The averments in the transfer petition remain controverted. The reasons stated for transfer are sufficient and therefore, the

Transfer Petition is allowed and O.P.No.107 of 2006 pending before the Family Court, Nedumangad is transferred to the Family Court, Kannur where M.C.No.81 of 2006 is pending. Since the respondent has not appeared before this Court, I direct the Family Court, Nedumangad to intimate the counsel for the petitioner in O.P.No.107 of 2006 about the factum of transfer.

Transfer Petition is allowed.

M.N.Krishnan,
Judge.

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